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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/531,281

04/14/2005

Vincent Demeaux

0512-1272

5067

466 7590 04/12/2007
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EXAMINER

BUI, LUAN KIM

ART UNIT

PAPER NUMBER

3728

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/531,281	Applicant(s) VINCENT DEMEAUX	
	Examiner Luan K. Bui	Art Unit 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-18 is/are pending in the application.
- 4a) Of the above claim(s) 3-5, 7, 8, 11 and 12 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-18 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 10 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer et al. (5,996,785; hereinafter Palmer'785) in view of Cooke (6,685,034) and Moreyra (6,540,080). Palmer'785 discloses a storage device (14c) for discs (10) comprising a base (118) having a front wall (122), a rear wall (122) and two side walls (124) defined a channel, and at least one separating element (126) inserted in the channel. The separating element of Palmer'785 appears to be removably inserted in the channel to provide different size of compartments (see Figure 7). However, Palmer'785 fails to show the separating element comprises a rigid material being covered on at least one of its surfaces with a compressible material and enclosed in a material not damaging to the discs to be stored and the compressible material comprises a rounded form with extra thickness in its center area.

Cooke shows in the embodiment of Figure 14, a storage device for discs comprising a base (40) and a plurality of separating elements disposed on the base. Each of the separating elements including a rigid material (41) and a coating material (42) enclosed the rigid material for not damaging the discs to be stored. The coating material is considered equivalent to a compressible material as claimed (Figure 14 shows the article 43 compresses the compressible material). The compressible material has a rounded form with extra thickness in its center area (the rounded top of each separating elements). Moreyra suggests a protective wrap (50) comprising a panel (52)

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covered on at least one of its surfaces with a paper material (54, 56) and enclosed in a material (58) (see Figures 4-5).

Therefor, it would have been obvious to one having ordinary skill in the art in view of Cooke and Moreyra to modify the separating element of Palmer'785 so the separating element comprises a rigid material covered on at least one of its surfaces with a compressible material and enclosed in a material that not damaging to the discs to be stored for better protecting the disc and also to prevent the discs from getting damaged.

Allowable Subject Matter

3. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 13-18 are allowed.

Response to Arguments

Applicant's arguments filed on 2/14/2007 have been fully considered but they are not deemed to be persuasive.

Applicant argues that "none of the applied references teach or suggest removable separating elements intended to be removably inserted in a channel" is noted. This is not persuasive the elements 126 of Palmer'785 are considered equivalent to the separating elements

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as claimed and the separating elements 126 of Palmer'785 are appeared to be removably inserted in the channel since each compartment for holding the sleeve 10 has different size (Figure 7).

The different sizes of the compartments in the storage device of Palmer'785 would suggest to one having ordinary skill in the art that the separating elements of Palmer'785 are removable.

Applicant argues that “none of the references teach or suggest that the compressible material has a rounded form with extra thickness in its center area” is noted. This is not persuasive for the reason as set forth above by Cooke.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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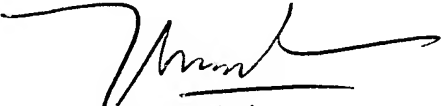
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is 571-272-4552. The examiner can normally be reached on 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

lkb
April 9, 2007



Luan K. Bui
Primary Examiner
Art Unit 3728